

REMARKS/ARGUMENTS

In the Office Action, Claims 79-97, 99-102 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. Additionally, Claims 79-102 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,959,627 to *Duwaer* et al. (hereinafter “*Duwaer*”).

Note, that no Claim 83 was previously presented, Claims previously numbered 84-102 have been preserved in their previous order. Claims 79, 90 and 93 have been amended to clear up ambiguities in word choices that may have caused the claims to be interpreted as indefinite. Claims 99-102 have been amended to correctly reflect the claims from which they depend. Claims 79-82, 84-102 remain pending in the application. Reconsideration of this Application is respectfully requested in view of the attached claim amendments and the following remarks.

Claim Rejections

35 U.S.C. §112 Rejections

In the Office Action, Claims 79-97, 99-102 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 79, 90 and 93 have been amended to remove the specified indefinite sections. Additionally, Claims 99-102 have been amended to correctly reflect the claims from which they depend. Applicants respectfully submit that Claims 79-97, 99-102 are now in condition for allowance.

35 U.S.C. §102 Rejections

In the Office Action, Claims 79-102 were rejected under 35 U.S.C. §102(e) as being anticipated by *Duwaer*. Applicants respectfully submit that Claims 79-82, 84-102 are patentable over *Duwaer*.

Claims 79 and 92

Duwaer teaches a method for compiling audio/video items onto a recordable medium. However, *Duwaer* does not teach or suggest listing a plurality of track

names in rows corresponding with a plurality of rows for album names, artist names and/or genre names. In contrast, Claim 79, as amended, reads as follows:

79. (Currently Amended) A method for managing metadata of content files using an electronic device, the method comprising:
obtaining from a persistent metadata database, metadata for the content files;
displaying on a display of the electronic device, a first column having a **plurality of rows for track names corresponding to a plurality of content files**; and
displaying on a display of the electronic device, at least one of:
a second column having a plurality of **rows for artist names corresponding to the plurality of rows for track names**,
a third column having a plurality of **rows for album names corresponding to the plurality of rows for track names**, and
a fourth column having a plurality of **rows for genre names corresponding to the plurality of rows for track names**.
(emphasis added)

Applicant respectfully submits that the Examiner has not established a *prima facie* case of anticipation. To establish a *prima facie* case of anticipation, the Examiner is obligated to identify where "each and every facet of the claimed invention is disclosed in the applied reference." *Ex parte Levy*, 17 U.S.P.2d 1461, 1462 (Bd. Pat. App. & Intef. 1990). Furthermore, anticipation requires that each and every claim element must be identical to a corresponding element in the applied reference. *Glaverbel Société Anonyme v. Northlake Mktg. & Supply, Inc.*, 45 F.3d 1550, 1554 (Fed. Cir. 1995). The Office Action fails to present such a *prima facie* case of anticipation.

Duwaer fails to teach listing a plurality of track names in rows corresponding with a plurality of rows for album names, artist names and/or genre names. Figure 5 of *Duwaer* merely teaches an interface for locating a song to add to a compilation. There is no row-by-row correspondence between the displays of tracks in *Duwaer* and the artist names, album names and/or genre names displayed in any second, third and/or fourth column of *Duwaer*. Figure 5 merely has a single artist name ("The Beatles"), a single album (presumably "Source" is the name of The Beatles' album "The Beatles") and a single genre ("Pop"). The track ("Yesterday") is

highlighted in Figure 5, however, there is no teaching in *Duwaer* that multiple tracks would be displayed from a plurality of artists. In fact, quite the opposite. *Duwaer* states that: “Clicking will **suppress the display** of all audio items that do not concord with the line so clicked.” (Column 4, lines 12-15). Likewise, Figure 6, which is used for playback, merely has a single column that list tracks and no separate artist, albums and/or genre. Accordingly, it is abundantly clear that Claim 79 is not anticipated by *Duwaer*. Thus, Applicants submit that Claims 79, and all the claims dependent therefrom (Claims 80-82 and 84-96) are clearly allowable.

Claim 97 recites elements similar to those recited in Claim 79, and is not anticipated by *Duwaer* for similar reasons to those recited above with regard to Claim 79. Thus, applicants submit that Claims 97, and all the claims dependent therefrom (Claims 98-102) are clearly allowable.

Claims 80-82, 84-96 and 98-102

Claims 80-82, 84-96 and 98-102 depend from allowable independent claims and are therefore allowable for the same reasons already noted above. Claims 80-82, 84-96 and 98-102 are also allowable for additional reasons. These claims include further recitations not taught, disclosed, or even suggested by *Duwaer*. A nonexclusive listing of some additional reasons Claims 80-82, 84-96 and 98-102 are allowable are included below.

For example:

Claim 84 recites a “tabular database.” Applicants were unable to find any teaching within *Duwaer*, let alone the cited section, of any “tabular database.” Accordingly, as *Duwaer* fails to teach a tabular database, it is clear that *Duwaer* does not anticipate Claim 84. For this reason, in addition to those already noted above, Claim 84 is in condition for allowance.

Claim 88 recites a “saving a blank as a named entry.” Applicants were unable to find any teaching within *Duwaer*, let alone the cited section, of any “saving a blank as a named entry.” Accordingly, as *Duwaer* fails to teach a saving a blank element in a row as a named entry, it is clear that *Duwaer* does not anticipate Claim 87. For this reason, in addition to those already noted above, Claim 87 is in condition for

allowance.

With regard to Claims 91-92, nothing in *Duwaer* is actually cited in the Office Action as anticipating either Claim 91 or 92. With regard to Claim 91, *Duwaer* fails to teach propagating changes to metadata across rows in *Duwaer* it is clear that *Duwaer* does not anticipate Claim 91. Likewise, *Duwaer* fails to teach “receiving a selection of one of the displayed track names, and in response to receiving the selection, rendering the content of the content file corresponding to the selected displayed track name.” For these reasons, in addition to those already noted above, Claims 91-92 are in condition for allowance.

CONCLUSION

In light of the above amendments and remarks, Applicants submit that Claims 79-82, 84-102 are in condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

Respectfully submitted,
AXIOS LAW GROUP

Date: October 10, 2006

by: /Adam L.K. Philipp/
Adam L.K. Philipp
Reg. No.: 42,071

AXIOS Law Group
1725 Westlake Avenue N
Suite 150
Seattle, WA 98109
Telephone: 206-217-2200